

JUDGE ROEHL

12 CIV 8465

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE NO.: _____

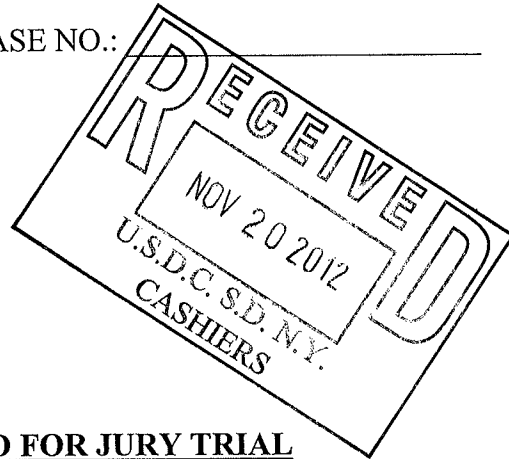
CECIL SINGLETON,

Plaintiff,

v.

KEVIN CLASH,

Defendant.



COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, CECIL SINGLETON, by and through his undersigned counsel, hereby files this Complaint against Defendant KEVIN CLASH, and states as follows:

PARTIES

1. CECIL SINGLETON is a citizen and resident of the State of New York.
2. Defendant, KEVIN CLASH is a citizen and resident of the State of New York.

At all relevant times, KEVIN CLASH was an internationally-known puppeteer and voice actor for children's programming whose characters included the instantly recognizable falsetto-voiced Elmo. Elmo is a character on the television show *Sesame Street*.

JURISDICTION AND VENUE

3. This action seeks damages in excess of \$5,000,000 (five million dollars).
4. This Court has jurisdiction pursuant to 28 U.S.C. §1331 because Plaintiff alleges a claim under the laws of the United States.
5. This Court has venue of this action pursuant to 28 U.S.C. §§1391(a) and 1391(b) in that the Defendant is a citizen of this District and is otherwise subject to personal jurisdiction in this judicial district. Additionally, a substantial part of the events giving rise to this claim

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occurred in this District.

COUNT I-
COERCION AND ENTICEMENT TO SEXUAL ACTIVITY
IN VIOLATION OF 18 U.S.C. §2422

6. Plaintiff, CECIL SINGLETON repeats and re-alleges Paragraphs 1 through 5 above as fully set forth herein.

7. At all relevant times Defendant KEVIN CLASH was an unmarried adult male living a prominent public life centered around the entertainment of toddlers, while at the same time he was, in secret, preying on teenage boys to satisfy his depraved sexual interests. KEVIN CLASH was born in 1960.

8. KEVIN CLASH, the voice of Elmo, trolled gay telephone chat line rooms to meet and have sex with underage boys.

9. When CECIL SINGLETON was just fifteen years old, he called a gay chat line seeking friends. KEVIN CLASH began communicating with CECIL SINGLETON in this gay chat room at that time. During these telephone calls, KEVIN CLASH persuaded, induced, coerced or enticed CECIL SINGLETON to meet him for sexual encounters. KEVIN CLASH groomed CECIL and gained his trust by, among other things, taking him to nice dinners and giving him money.

10. On numerous occasions over a period of years, KEVIN CLASH engaged CECIL SINGLETON in sexual activity. This sexual activity began when CECIL SINGLETON was fifteen years old. CECIL was compliant in this sexual activity, unaware of the harm being caused.

11. KEVIN CLASH used a facility or means of interstate commerce to knowingly persuade, induce or entice CECIL SINGLETON, when he was under the age of 18 years, to

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engage in sexual activity for which KEVIN CLASH can be charged with a criminal offense.

12. Upon information and belief, KEVIN CLASH frequented this chat room with the intent of persuading, inducing, coercing or enticing underage boys to meet him for sexual encounters. Consistent with this scheme, upon information and belief, KEVIN CLASH did meet multiple boys for sexual encounters after chatting with them on gay telephone sex lines.

13. KEVIN CLASH's acts and conduct are in violation of 18 U.S.C. §2422.

14. As a result of KEVIN CLASH's violation of 18 U.S.C. §2422, Plaintiff has suffered personal injuries. In particular, as a direct and proximate result of engaging in sexual activity with CLASH as a minor, CECIL SINGLETON suffered severe injuries, including but not limited to mental, psychological and emotional trauma. These injuries are continuing and permanent nature.

15. Although KEVIN CLASH's acts of inducement and enticement to sexual activity began in or about 1993, when CECIL SINGLETON was a minor, he was not immediately aware of his injuries. As a fifteen year old child, CECIL SINGLETON was not emotionally or psychologically prepared for a sexual relationship with a grown man in his forties. As a compliant victim, CECIL SINGLETON did not become aware that he had suffered adverse psychological and emotional effects from KEVIN CLASH's sexual acts and conduct until 2012.

16. CECIL SINGLETON did not become aware of his injuries, nor was he able to make a causal connection between his injuries and the sexual acts of KEVIN CLASH until 2012. CECIL could not reasonably have been expected to know that he had been injured and that KEVIN CLASH had caused his injuries until calendar year 2012.

17. Plaintiff retained Herman, Mermelstein & Horowitz, P.A. as his attorneys in this matter and agreed to pay them a reasonable attorneys' fees and costs.

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WHEREFORE, Plaintiff, CECIL SINGLETON, hereby demands judgment against Defendant, KEVIN CLASH, for all damages available under 18 U.S.C. §2255(a), including without limitation, actual and compensatory damages, costs of suit, and attorneys' fees, and such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial of his claims by jury.

Dated: November 20, 2012.

Respectfully submitted,

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